

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

1650 Arch Street
Philadelphia, Pennsylvania

IN THE MATTER OF:

Cumberland Township Authority : Docket No. III-2000-101DN
1270 Fairfield Road : FINDINGS OF VIOLATION
Gettysburg, PA 17325 : AND
NPDES No. PA0024147 & PA24139 : ORDER FOR COMPLIANCE

PROCEEDINGS UNDER
SECTION 309(a)(3)
OF THE CLEAN WATER ACT,
AS AMENDED
33 U.S.C. SECTION 1319(a)(3)

The following FINDINGS are made and ORDER issued pursuant to the authority vested in the Administrator of the Environmental Protection Agency (hereinafter "EPA") under Section 309(a)(3) of the Clean Water Act, as amended, 33 U.S.C. Section 1319(a)(3) (hereinafter "Act") which authority has been delegated by the Administrator to the Regional Administrator of Region III, and redelegated by the Regional Administrator of Region III to the Director, Water Protection Division of Region III.

FINDINGS OF VIOLATION

1. The Cumberland Township Authority ("Respondent"), a person within the meaning of Section 502(5) of the Clean Water Act, 33 U.S.C. Section 1362(5), owns and operates two sewage treatment facilities (STP) located in Cumberland Township, Adams County, Pennsylvania, which discharge pollutants: the South Plant discharges to Willoughby Run, while the North Plant discharges to Rock Creek.
2. Both Willoughby Run and Rock Creek are navigable waters as set forth in Section 502(7) of the Act, 33 U.S.C. Section 1362(7). Respondent is therefore subject to the provisions of the Act, 33 U.S.C. Section 1251 et seq.
3. On or about September 29, 1995, pursuant to Section 402 of the Act, 33 U.S.C. Sec. 1342, and the Pennsylvania Clean Streams Law, as amended, 35 P.S. Sec. 691.1 et seq., the Pennsylvania Department of Environmental Protection (PADEP) issued to Respondent National Pollutant Discharge Elimination System (NPDES) Permit No. PA0024139 (hereinafter "North Permit") for the North Plant. The North Permit was reissued in April, 2000.

Why is DEP not enforcing this 1?